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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,148	07/31/2003	Milivoj Konstantin Brun	RD27230-3	9464

7590 12/14/2005

GENERAL ELECTRIC COMPANY (PCPI)
C/O FLETCHER YODER
PO BOX 692289
HOUSTON, TX 77269-2289

EXAMINER

CHEN, BRET P

ART UNIT PAPER NUMBER

1762

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,148

Applicant(s)

BRUN, MILIVOJ KONSTANTIN

Examiner

B. Chen

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1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-27 are pending in this application, which is a DIV of Serial Number 09/728904 now US Patent 6,630,029. Amended claims 23, 26 are noted.

The amendment dated 9/29/05 has been entered and carefully considered. The examiner appreciates the amendment to the specification and claims. In view of said amendment, the objection to the specification and the 112 rejection has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, 4-6, 10-11, 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Linn et al. (6,143,376). Linn discloses a method for manufacturing coated short fibers in which the short fibers are coated in a reactor with at least one coating agent and includes exposing a short fiber bundle having a coating or a plastic matrix to a high-frequency field which dissolves the coating or the plastic matrix and is separated into individual fibers and are coated by chemical vapor deposition on all sides by at least one coating agent present in a gas phase (col.1 line 64 – col.2 line 11). Specifically, the short fibers bundles are provided from supply container 10, falls through a feed chute 21 into a rotating feedthrough 22 and enters the reactor 30 (col.3 lines 35-60). Simultaneously, a reaction gas is introduced into reactor 30 through opening 32 and exits via opening 31 (col.4 lines 63-67). The fiber can be fiber reinforced

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ceramic matrix composites (col.1 line 15) and the reactant can be methane and hydrogen/nitrogen (col.5 lines 20-21). In addition, no vacuum is disclosed and thus meets the limitation of claim 16.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3, 7-9, 12-15, 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linn et al. (6,143,376). Linn discloses a method for manufacturing coated short fibers in which the short fibers are coated in a reactor with at least one coating agent by chemical vapor deposition as taken above. However, the reference fails to teach using seals.

It is noted that the feed chutes are utilized and that feeding is not always occurring. Hence, one skilled in the art would realize that stoppers or valves are utilized to stop the flow of materials. These stoppers or valves are utilized read on seals. Hence, it would have been obvious to utilize seals with the expectation of obtaining similar results given the reasons mentioned above.

In addition, the reference fails to teach specific materials, reactants, and pressures. It would have been obvious to one having ordinary skill in the art to have determined the optimum value of a cause effective variable such as materials, reactants, and pressures through routine experimentation in the absence of a showing of criticality.

Additionally, the reference fails to teach the specific temperature range and fiber feed rate. It is noted that a temperature range in Table 1 and a feed rate in col.6 lines 65-67 overlap

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the claimed ranges. Overlapping ranges are *prima facie* evidence of obviousness. It would have been obvious to one having ordinary skill in the art to have selected the portion of Linn's temperature range and flow rate that corresponds to the claimed range.

Response to Arguments

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (571) 272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bc
12/12/05


BRET CHEN
PRIMARY EXAMINER